

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STRIKE 3 HOLDINGS, LLC,

Plaintiff,

v.

JOHN DOE, *subscriber assigned IP address
72.94.179.160,*

Defendant.

CIVIL ACTION

NO. 21-3031-KSM

ORDER

AND NOW, this 10th day of August, 2021, upon consideration of Plaintiff's Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference (Doc. No. 3), it is **ORDERED** that the Motion is **GRANTED** as follows:

1. Plaintiff may serve the ISP with a Rule 45 subpoena commanding the ISP to provide Plaintiff with the true name and address of the individual to whom the ISP assigned an IP address as set forth in Exhibit A of the Complaint. Plaintiff shall attach a copy of this Order to any subpoena.

2. The ISP will have 21 days from the date of service of the Rule 45 subpoena to serve the subscriber with a copy of the subpoena and a copy of this Order. The ISP may serve the subscriber using any reasonable means, including written notice sent to his or her last known address via first-class mail or overnight service.

3. The subscriber shall have 21 days from the date of service of the Rule 45 subpoena to file any motions with the Court contesting the subpoena (including a motion to quash or modify the subpoena or a motion for protective order). If the subscriber challenges the

subpoena, he shall inform the ISP so that the ISP is on notice not to release any of the subscriber's contact information until the Court rules on the motion. The ISP may not turn over the subscriber's identifying information to Plaintiff before the expiration of this 21-day period. In addition, if the subscriber or the ISP files a motion to quash the subpoena, the ISP shall not produce any information to Plaintiff until the issues have been addressed, and the Court issues an order instructing the ISP to resume production of the requested discovery.

4. The ISP shall preserve the subpoenaed information pending the resolution of any timely-filed motion to quash.

5. If the 21-day period lapses without the subscriber or the ISP contesting the subpoena, the ISP shall have 10 days to produce the information responsive to the subpoena to Plaintiff.

6. Any information ultimately disclosed to Plaintiff in response to a Rule 45 subpoena may be used by Plaintiff solely for the purpose of protecting Plaintiff's rights as set forth in its complaint.

IT IS SO ORDERED.

/s/Karen Spencer Marston

KAREN SPENCER MARSTON, J.